

Notice of Allowability	Application No.	Applicant(s)	
	09/980,710	HEINO, AARNE	
	Examiner	Art Unit	
	Sanza L McClendon	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 17, 2004.
2. ☒ The allowed claim(s) is/are 1,3-8,12 and 14-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Samuel A. Acquah
SAMUEL A. ACQUAH
PRIMARY EXAMINER
GROUP 1200 1700

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on June 17, 2004, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 2, 9-11, and 18. The amendment after final has been entered into the record and will be treated on its merits.

Response to Arguments

2. Applicant's arguments, see arguments, filed June 17, 2004, with respect to claims 1-18 have been fully considered and are persuasive. The rejection of claims 1, 3-8, 12, and 14-18 under 35 USC 102(e) as being anticipated by Sjoberg et al (US 6,106,761) has been withdrawn. The rejection of claims 1, 3-8, 12, 14-18 under 35 USC 102(b) as being anticipated by Sjoberg et al (WO 97/10936) has been withdrawn. As discussed in the interview of August 4, 2003, the prior art made of record fails to expressly teach and/or fairly suggest the method for processing polymers or elastomeric materials. The prior art made of record teach a method that comprising uniform heating of the entire polymer and/or elastomeric material while the instantly claimed invention teaches selective heating of the polymer and/or elastomeric material by heating the additive component only by infrared radiation, wherein the additive is a peroxide and/or foaming agent as understood by the instant disclosure.

Allowable Subject Matter

3. Claims 1, 3-8, 12 and 14-18 are allowed.
4. The following is an examiner's statement of reasons for allowance: the primary reasons for allowance in the instantly claimed method is the step of subjecting the additive to a desired chemical reaction by infrared radiation, wherein the wavelength of infrared radiation is chosen on the basis of the characteristic oscillation frequencies of the polymer or elastomeric material and the additive, so that the wavelength corresponds optimally to the characteristic oscillation

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frequencies of the additive and as poorly as possible to the characteristic oscillation frequencies of the polymer or elastomeric material..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled " Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner


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